1	DEMETRAS & O'NEILL				
2	J. Craig Demetras State Bar No. 4246	NAME			
3	Shelly T. O'Neill State Bar No. 986	MAY 04, 2010			
4	230 E. Liberty Street				
5	Reno, Nevada 89501 (775) 348-4600				
6	(775) 348-9315 Facsimile				
7	A., C. D. 1.				
8	Attorneys for Debtors				
9					
10	IN THE UNITED STATES BANKRUPTCY COURT				
11	FOR THE DISTRICT OF NEVADA				
12	IN RE:	Case No. BK-N-09-50167-GWZ			
13	·	Chapter 13			
14	BRIAN SWOGER and SALLY SWOGER	OBJECTION TO MOTION FOR RELIEF FROM AUTOMATIC STAY			
15 16		Hearing Date: May 18, 2010			
17	Debtors.	Hearing Time: 10:00 a.m. Estimated Time: 1 minute			
18	Decitors.				
19					
20	Debtors, Brian & Sally Swoger, b	y and through their counsel, J. Craig Demetras,			
21	of Demetras & O'Neill, hereby object to the Motion for Relief from Automatic Stay filed				
22	by US Bank National Association, ("Movant"), its successors and/or assigns. Said Motion				
23	was filed on April 12, 2010, and a hearing has been set for May 18, 2010, at 10:00 a.m.				
24	Debtors oppose the Motion for Relief from Automatic Stay based on the				
25	following:				
26	1. The Debtors were current a	s of the filing of the Motion for Relief from			
27	Stay. A Copy of the transac	ction page from Wells Fargo is attached hereto			
28	and incorporated herein as	Exhibit "A."			

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- 2. A copy of the current statement showing only the regular monthly payment and a miscellaneous \$15 fee being due is attached hereto and incorporated herein as Exhibit "B."
- 3. The Debtors request that no attorney fees be awarded as they made the payments but Wells Fargo failed to apply them timely.

WHEREFORE, Debtors request that the Motion for Relief from Automatic Stay be DENIED.

Respectfully submitted this 4th day of May, 2010.

Demetras & O'Neill

/s/ J. Craig Demetras By: J. Craig Demetras Attorney for Debtors

# EXHIBIT "A"

# Wells Fargo Business Online®

#### **Account Activity**

Next payment DUE ON 05/01/10 Last payment received on 04/16/10				\$4,283.47_ \$4,263,47			
	Outstanding	ofincipal balance		\$617,535.66 6.875%			
	Interest rate						
	Unpaid fees i	हिंद टोम्प्रस्		\$15.00			
1	Transaction	s - Past 6 Months	play that the				
	Show Past 8 M	fonths · View					
!	Date ∇	Description	Amount	Principal Balance			
	D4/1B/10	APPLIED FUNDS	\$4,263.47	\$617,535.66			
	01/16/10	APPLIED FUNDS	\$4,263.47	\$818,257.03			
	04/15/10	PAYMENT	<b>54,283.47</b>	\$610,974.29			
	04/14/10	PAYMENT	\$35,45	\$616,974.29			
	04/07/10	PAYMENT	\$0,00	\$810,974.29			
	04/07/10	PAYMENT	\$40.00	\$819,687.47			
	04/07/10	PAYMENT	\$0.00	\$620,396.68			
	04/07/10	APPLIED FUNDS	\$17,053,68	\$621,101.55			
	04/07/10	PAYMENT	\$0,00	\$821,602,71			
	04/07/10	APPLIED FUNDS	58,528.94	5322,489.77			
on	03/15/10	PAYMENT	\$4,283,47	\$623,192.88			
ليـ	02/15/10	PAYMENT	84,263,47	3623,192.86			
_	02/09/10	PAYMENT	\$1,575.00	3623,192,66			
	01/13/10	PAYMENT	61 <del>9</del> ,707.30	\$623,192.80			
	01/12/10	APPLIED FUNDS	\$4,263.47	\$823,192,09			
~	01/11/10	PAYMENT	\$4,283.47	\$823,882.01			
	12/08/09	APPLIED FUNDS	\$4,283,47	\$G23,882.01			
ب	12/07/09	PAYMENT	54,253,47	\$624,567.23			
	11/09/09	APPLIED FUNDS	\$4,263.47	\$624,567,23			
V	11/06/09	PAYMENT	\$4,283.47	<b>3825,248,55</b>			

Disclosure: The transactions displayed reflect funds that you have paid and do not necressarily represent funds that are due, I, no charges are assessed after the close of business on the assessment data and only after all premients received have been applied.

🖹 Equal Housing Lender

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# EXHIBIT "B"

04/16/10

Case 09-50167-gwz Doc 52 PO Box 14411 Ons Moines, IA 50306-3411



## For Informational Purposes

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BRIAN D SWOGER SALLY A SWOGER P O BOX 2485

**STATELINE NV 89449-2485** 

Արևերելուն անական անվաներ և հերել և Ա

D149952343 Loan Number

**Customer Service** 

Online wellsfargo.com/ym

Statement Date

Fax (704) 329-3393

(800) 274-7025 Hours of Operation

Telephone

Correspondence PO Box 10335 Des Moines IA 50306

Man - Fri, 8 AM - 5 PM (EST)

Payments PO Box 30427 Los Angeles CA 90030

TTY Deaf/Hard of Hea (800) 934-9998

#### Important Messages

Summary	
Payment (Principal and/or Interest)	\$4,263.47
Optional Product(s)	\$0.00
Current Monthly Payment	\$4,263.47
Overdue Payments	 \$0.00
Unpaid Late Charge(s)	\$0.00
Other Charges	\$15.00

Property Address

199 CHIMNEY\_ROCK ROAD .. \_\_ STATELINE NV 8944B Unpaid Principal Balance 5617.535.66 (Contact Customer Service for your payoff balance)

6.875% Interest Rate \$32,024,88 Interest Paid Year-to-Date

### TOTAL PAYMENT 05/01/10

\$4,278,47

#### Activity Since Your Last Statement

Date	Description	Total	Principal	Intorest		ara harge	Other
04/16	PAYMENT		\$721.37	\$3,542,10	•		\$4,263,47-
04/16	PAYMENT		\$717.26	\$3,546,21			\$4,283.47-

This statement is for informational purposes only and is being provided as a courtesy should you voluntarily decide to make your loan payments. This statement should not be construed as an attempt to collect a debt or a demand for payment contrary to any protections you may have received pursuant to your

If you have received a discharge, and the loan was not reaffirmed in the bankruptcy case, we will only exercise our rights as against the property and we are not attempting any act to collect the discharged debt from you personally.

If your Plan requires you to make regular post-petition mortgage payments directly to the Bankruptcy Trustee, and you chose to maintain your mortgage payment, any payment should be remitted to the Trustee or otherwise in accordance with the Plan you filed with the Bankruptcy court.

DOSPODIOSDOG ACINGMIX SEER ETM1COO! 1



Loan Number **Total Payment**  0149952343 \$4,278.47

Check here and see reverse for address correction.

**BRIAN D SWOGER** SALLY A SWOGER 5999/005999/005999 025 01 AGNGMK 708

WELLS FARGO HOME MORTGAGE PO BOX 30427 LOS ANGELES CA 90030-0427

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